

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

UNITED STATES OF AMERICA

v.

JOHN GILBREATH IV

NO. 6:17-CR-047-C

PRELIMINARY ORDER OF FORFEITURE

Before the court is the government's unopposed Motion for a Preliminary Order of Forfeiture. After consideration, the court determines the motion should be and is hereby granted.

The government notified the defendant that it would seek to forfeit a Charter Arms, Charco model, .38 caliber revolver, bearing serial number 1124875, including any additional ammunition, magazines, and/or accessories recovered with the firearm ("the property") upon the defendant's conviction on Count One of the Indictment. The defendant pled guilty to that offense and described in a factual resume how the property was involved in that offense.

Based on the defendant's guilty plea and factual resume, the court finds the property is subject to forfeiture to the government pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c). It is therefore ordered that the property is forfeited to the government, subject to the provisions of 21 U.S.C. § 853(n).

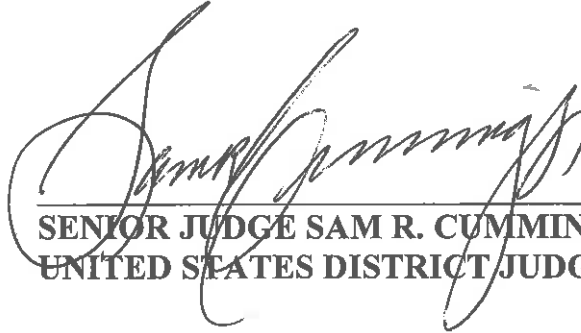
It is further ordered that, pursuant to 21 U.S.C. § 853(g) and Fed. R. Crim. P. 32.2, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (or its designee) shall seize the property and hold it in its secure custody and control pending a final order of forfeiture.

It is further ordered that, pursuant to 21 U.S.C. § 853(n)(1) and Fed. R. Crim. P. 32.2, the Attorney General shall publish notice of the forfeiture order for at least 30 consecutive days on an official government Internet site (www.forfeiture.gov). The notice shall state the government's intent to dispose of the property and state that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the court no later than 60 days after the first day of the publication and serve a copy on Asset Recovery Unit, U.S. Attorney's Office, Northern District of Texas, 1100 Commerce Street, Third Floor, Dallas, Texas 75242. The petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property; shall be signed by the petitioner under penalty of perjury; and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, and any additional facts supporting the petitioner's claim and the relief sought. The government shall send, by means reasonably calculated to reach the person, written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture.

Upon adjudication of all third-party interests, this court will enter a final order of forfeiture addressing those interests.

SO ORDERED.

Signed December 6, 2017.



SENIOR JUDGE SAM R. CUMMINGS
UNITED STATES DISTRICT JUDGE